

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:04-CR-170
	)	(VARLAN/SHIRLEY)
LARRY LIST,	)	
	)	
Defendant.	)	

**PRETRIAL ORDER**

This action came before the undersigned on May 10, 2005. Hugh Ward appeared as counsel for the government and Ralph Harwell appeared as counsel for the defendant. The defendant was present and an Arraignment on the Third Superseding Indictment was held along with a brief pretrial conference. The Court further notes there are no pending motions or objections in this case at this time.

Trial procedures to be followed in this case were discussed with counsel and are as follows:

(a) The Court will conduct a preliminary voir dire examination of the jury, and then counsel will be permitted to conduct voir dire examination. The Court reserves the right to interrupt counsel and conduct voir dire on its own if counsel ask improper questions or if the proceedings are unnecessarily prolonged.

(b) Under Fed. R. Cr. P. 24(b)(2) the defendant is entitled to ten peremptory challenges and the government is entitled to six.

(c) No novel or unusual legal issues were identified as of the time of the pretrial conference, except that defendant indicated the potential raising of legal issues related to withdrawal from a conspiracy and its effect on the status of limitations.

(d) No novel or unusual evidentiary problems were identified as of the time of the pretrial conference, except the government indicated that it will be challenging the defendant's use of Dr. Jones' testimony with regard to relevancy and hearsay.

(e) If counsel have any special requests for instructions to the jury, the same shall be filed at least three (3) working days before trial.

(f) No more motions except motions in limine will be allowed to be filed in this cause of action by either side without prior leave of Court to do so, since the motion cut-off date has passed. Any motion in limine should be filed prior to the parties' scheduled hearing with Judge Varlan on Thursday, May 12, 2005.

(g) Counsel should meet in advance of trial and carefully review the trial exhibits with a view toward stipulating the admissibility of as many exhibits as possible. Any admissions and stipulations of fact to be used at trial shall be signed by Defendant's attorney and the Defendant and filed at least three (3) working days before trial.

(h) Counsel are encouraged to familiarize themselves with Local Rule 83.3 and ensure that their clients are familiar with the contents of this rule.

This case will be set for trial before the Honorable Thomas A. Varlan and a jury,  
to commence at **9:00 a.m. on May 16, 2005.**

If counsel have any objections to this Pretrial Order, such objection should be  
taken up pursuant to Local Rule 72.4(b), EDTN.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge